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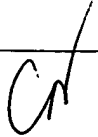
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,020	03/26/2004	Vladimir Yampolsky	A-73425	9539
40461	7590	10/08/2004	EXAMINER	
EDWARD S. WRIGHT			TAWFIK, SAMEH	
1100 ALMA STREET, SUITE 207			ART UNIT	
MENLO PARK, CA 94025			PAPER NUMBER	

3721

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,020	Applicant(s) YAMPOLSKY ET AL. 	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06302004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I (claims 1-13) in the reply filed on 09/20/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In (claim 1, lines 9-11) “..the paper toward each other and causing them to gather, a roller within the head for pressing the gathered paper to crumple it,..” and in (claim 9, lines 3) “..a crumpling roller..” is vague and indefinite because it is not clear how applicants will be able to crumple the paper by using only one roller; etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4, 6-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Toth (6,503,182).

Toth discloses a dunnage making machine comprising an upstanding support post (Fig. 8; via 34 and Fig. 10; via 2 and Figs. 14 and 15; via 2); means for rotatively supporting a roll of paper in a horizontal position (Fig. 8; via cart 34) on one side of the post, a forming bar (Fig. 1; via shaping 9 and supporting frame 22) at the upper end of the post (Fig. 6) with pair of downwardly curved end sections which are spaced apart by a distance less than the width of the paper for rolling down the edge portions of the paper (Figs. 4 and 5; via shaping element 9 is curved and its end sections are spaced apart) as the paper is drawn over the bar, an arm extending from the side of the post opposite the paper (Fig. 15; via arm 70), a crumpling head mounted on the arm (Fig. 15), a throat section mounted on the arm (Figs. 4 and 5; via rollers 11 and 12) between the post and the crumpling head for receiving the paper from the forming bar and urging the edge portions of the paper toward each other (Figs. 5 and 6) and causing them to gather, a roller within the head for pressing the gathered paper to crumple it (Fig. 7A), and a knife within the head for perforating the crumpled paper along a serrated tear line (Fig. 7A; via perforating gear 18).

Regarding claim 2: a second throat section (Figs. 4 and 5; via 13 and 14) positioned between the first named throat section (11 and 12) and the crumpling roller for gathering the central portion of the paper and further gathering the edge portions (Fig. 5).

Regarding claim 3: wherein the knife comprises a plurality of blades mounted in zig-zag fashion (Fig. 4; via the protruded portions and grooves of gears 18 form zigzag shape as the protruded portions can be considered as blades for perforating the web) on a mandrel which

rotates about an axis with the blades in periodic engagement with the surface of a support roller (Figs. 4 and 5).

Regarding claims 4 and 13: wherein the knife blades have cutting edges with an elliptical profile (Figs. 6 and 7B).

Regarding claim 6: a second throat section (Figs. 4 and 5; via 11 and 12) having an opening of lesser dimension than the first throat opening (Figs. 4 and 5; via 13 and 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth (6,503,182).

Toth does not disclose that the support roller 6 is fabricated of ultra high molecular weight polyethylene. However, since the examiner takes an official notice that the mentioned ultra high molecular weight polyethylene, is old, well known, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Toth's machine by substituting the support roller 6 by having ultra high molecular weight polyethylene roller, as a matter of engineering design choice, in order to use lighter roller and easier to adjust and replace if needed.

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Conclusion

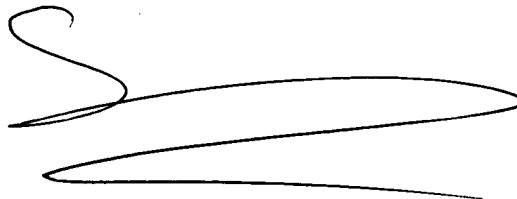
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a small flourish at the end.

ST.